

“(2) publish and disseminate performance metrics, taking into account, as appropriate, regional and threat diversity, for—

“(A) field personnel from the Office of Intelligence and Analysis assigned to an individual fusion center;

“(B) field personnel from the Office of Intelligence and Analysis assigned to multiple fusion centers; and

“(C) Regional Directors of the Office of Intelligence and Analysis to ensure accountability for monitoring all field personnel under the supervision of such Regional Directors.

“(b) TRAINING.—In consultation with the Chief Information Officer, the Under Secretary for Intelligence and Analysis shall develop and implement a formalized training module for fusion center personnel regarding the classified Homeland Secure Data Network, or any successor system.

“(c) FUSION CENTER DEFINED.—In this section, the term ‘fusion center’ has the meaning given such term in section 210A(k) of the Homeland Security Act of 2002 [6 U.S.C. 124h(k)], as so redesignated by section 2 [amending this section].”

TRAINING FOR PREDEPLOYED OFFICERS AND ANALYSTS

Pub. L. 110-53, title V, §511(b), Aug. 3, 2007, 121 Stat. 323, provided that: “An officer or analyst assigned to a fusion center by the Secretary of Homeland Security before the date of the enactment of this Act [Aug. 3, 2007] shall undergo the training described in section 210A(c)(4)(A) of the Homeland Security Act of 2002 [6 U.S.C. 124h(c)(4)(A)], as added by subsection (a), by not later than 6 months after such date.”

§ 124h-1. Threat information sharing

(a) Prioritization

The Secretary of Homeland Security shall prioritize the assignment of officers and intelligence analysts under section 124h of this title from the Transportation Security Administration and, as appropriate, from the Office of Intelligence and Analysis of the Department of Homeland Security, to locations with participating State, local, and regional fusion centers in jurisdictions with a high-risk surface transportation asset in order to enhance the security of such assets, including by improving timely sharing, in a manner consistent with the protection of privacy rights, civil rights, and civil liberties, of information regarding threats of terrorism and other threats, including targeted violence.

(b) Intelligence products

Officers and intelligence analysts assigned to locations with participating State, local, and regional fusion centers under this section shall participate in the generation and dissemination of transportation security intelligence products, with an emphasis on such products that relate to threats of terrorism and other threats, including targeted violence, to surface transportation assets that—

(1) assist State, local, and Tribal law enforcement agencies in deploying their resources, including personnel, most efficiently to help detect, prevent, investigate, apprehend, and respond to such threats;

(2) promote more consistent and timely sharing with and among jurisdictions of threat information; and

(3) enhance the Department of Homeland Security’s situational awareness of such threats.

(c) Clearances

The Secretary of Homeland Security shall make available to appropriate owners and operators of surface transportation assets, and to any other person that the Secretary determines appropriate to foster greater sharing of classified information relating to threats of terrorism and other threats, including targeted violence, to surface transportation assets, the process of application for security clearances under Executive Order No. 13549 (75 Fed. Reg. 162;¹ relating to a classified national security information program) or any successor Executive order.

(d) Report to Congress

Not later than one year after December 27, 2021, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes a detailed description of the measures used to ensure privacy rights, civil rights, and civil liberties protections in carrying out this section.

(e) GAO report

Not later than two years after December 27, 2021, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a review of the implementation of this section, including an assessment of the measures used to ensure privacy rights, civil rights, and civil liberties protections, and any recommendations to improve this implementation, together with any recommendations to improve information sharing with State, local, Tribal, territorial, and private sector entities to prevent, identify, and respond to threats of terrorism and other threats, including targeted violence, to surface transportation assets.

(f) Definitions

In this section:

(1) The term “surface transportation asset” includes facilities, equipment, or systems used to provide transportation services by—

(A) a public transportation agency (as such term is defined in section 1131(5) of this title);

(B) a railroad carrier (as such term is defined in section 20102(3) of title 49);

(C) an owner or operator of—

(i) an entity offering scheduled, fixed-route transportation services by over-the-road bus (as such term is defined in section 1151(4) of this title); or

(ii) a bus terminal; or

(D) other transportation facilities, equipment, or systems, as determined by the Secretary.

(2) The term “targeted violence” means an incident of violence in which an attacker selected a particular target in order to inflict mass injury or death with no discernable political or ideological motivation beyond mass injury or death.

¹ So in original. Probably should be “51609;”.

(3) The term “terrorism” means the terms—
 (A) domestic terrorism (as such term is defined in section 2331(5) of title 18, United States Code); and

(B) international terrorism (as such term is defined in section 2331(1) of title 18).

(Pub. L. 117–81, div. F, title LXIV, § 6418, Dec. 27, 2021, 135 Stat. 2415.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 13549, referred to in subsec. (c), is Ex. Ord. No. 13549, Aug. 18, 2010, 75 F.R. 51609, which is set out as a note under section 3161 of Title 50, War and National Defense.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2022, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 124i. Homeland Security Information Sharing Fellows Program

(a) Establishment

(1) In general

The Secretary, acting through the Under Secretary for Intelligence and Analysis, and in consultation with the Chief Human Capital Officer, shall establish a fellowship program in accordance with this section for the purpose of—

(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department in accordance with subchapter VI of chapter 33 of title 5 to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

(i) the relevant missions and capabilities of the Department and other Federal agencies; and

(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by assigning such officers and analysts to—

(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal information requirements;

(ii) identify information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is of interest to State, local, and tribal law enforcement officers, intelligence analysts, and other emergency response providers;

(iii) assist Department analysts in preparing and disseminating products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are tailored

to State, local, and tribal law enforcement officers and intelligence analysts and designed to prepare for and thwart acts of terrorism; and

(iv) assist Department analysts in preparing products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are tailored to State, local, and tribal emergency response providers and assist in the dissemination of such products through appropriate Department channels.

(2) Program name

The program under this section shall be known as the “Homeland Security Information Sharing Fellows Program”.

(b) Eligibility

(1) In general

In order to be eligible for selection as an Information Sharing Fellow under the program under this section, an individual shall—

(A) have homeland security-related responsibilities;

(B) be eligible for an appropriate security clearance;

(C) possess a valid need for access to classified information, as determined by the Under Secretary for Intelligence and Analysis;

(D) be an employee of an eligible entity; and

(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties, in consultation with the Privacy and Civil Liberties Oversight Board established under section 2000ee of title 42.

(2) Eligible entities

In this subsection, the term “eligible entity” means—

(A) a State, local, or regional fusion center;

(B) a State or local law enforcement or other government entity that serves a major metropolitan area, suburban area, or rural area, as determined by the Secretary;

(C) a State or local law enforcement or other government entity with port, border, or agricultural responsibilities, as determined by the Secretary;

(D) a tribal law enforcement or other authority; or

(E) such other entity as the Secretary determines is appropriate.

(c) Optional participation

No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

(d) Procedures for nomination and selection

(1) In general

The Under Secretary for Intelligence and Analysis shall establish procedures to provide